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SENATE BILL 51

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Bernadette M Sanchez

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS; CLARIFYING BOARD OF TRUSTEE AUTHORITY;  
CLARIFYING EJECTMENT PROCEDURES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 49-1-22 NMSA 1978 (being Laws 2004,  
Chapter 124, Section 2) is recompiled as Section 49-1-11.1 NMSA  
1978 and is amended to read:

"49-1-11.1. RIGHTS OF LESSEES AND PURCHASERS. --

A. A person who is not an heir and who has  
purchased or leased property within the limits of a land grant-  
merced shall only have a right to the lands acquired through  
the purchase or lease but not to any common lands within the  
land grant-merced.

B. The provisions of Chapter 49, Article 1 NMSA  
1978 shall not diminish, extinguish or otherwise impair any

underscored material = new  
[bracketed material] = del etc

underscored material = new  
[bracketed material] = delete

1 private property interest located within the boundaries of a  
2 land grant-merced or be construed to grant the board of  
3 trustees of a land grant-merced regulatory authority over such  
4 property interests or lands other than the common lands. As  
5 used in this subsection, "property interest" includes valid  
6 easements and rights of access, but does not include use rights  
7 to the common lands of the land grant-merced."

8 Section 2. Section 49-1-15 NMSA 1978 (being Laws 1907,  
9 Chapter 42, Section 15, as amended) is amended to read:

10 "49-1-15. REMOVAL FROM LAND GRANT-MERCED--DELINQUENCY--  
11 FORFEITURE.--

12 A. If a person holds in possession or claims in  
13 private ownership, within the exterior boundaries of a land  
14 grant-merced, any tract, piece or parcel of land to which, in  
15 the opinion of the board of trustees, [~~he~~] the person has no  
16 right or title, the board may institute an action of ejection  
17 in district court against the person. If upon the trial it  
18 [~~appears~~] is determined that such possession is without right,  
19 judgment shall be rendered in favor of the board for possession  
20 of the tract, piece or parcel of land and for such damages as  
21 it may have proved for the wrongful detention.

22 B. Any delinquent heir shall lose all right [~~or~~  
23 ~~interest~~] that the heir may have had [~~in~~] to use the common  
24 lands of the land grant-merced unless the heir pays in full all  
25 legal assessments or dues due by the heir."

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